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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ANDREA WOOD, et al.,

9 Plaintiffs,

10 v.

11 COUNTY OF CONTRA COSTA
COUNTY, et al.,

12 Defendants.
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Case No. 21-cv-00611-MMC

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY REMAINING
DEFENDANTS SHOULD NOT BE
DISMISSED FOR FAILURE TO
SERVE; CONTINUING CASE
MANAGEMENT CONFERENCE**

15 On January 21, 2021, plaintiff Andrea Wood filed her initial complaint, naming
16 therein the County of Contra Costa as the sole defendant. On January 28, 2021, plaintiff
17 filed an amended complaint, in which she, inter alia, added claims against the following
18 eleven defendants: Cecilia Gutierrez, Patricia Lowe, Erica Bains, Ravi Bains, Judith
19 Lawrence, Mary P. Carey, Araceli Ramirez, Precious Nichols, the Honorable Barbara
20 Hinton, the State of California, and Sheriff David O. Livingston.

21 Under the Federal Rules of Civil Procedure, a "plaintiff is responsible for having
22 the summons and complaint served within the time allowed by Rule 4(m) and must
23 furnish the necessary copies to the person who makes service." See Fed. R. Civ. P. 4(c).
24 Rule 4(m), in turn, provides that, "[i]f a defendant is not served within 90 days after the
25 complaint is filed, the court – on motion or on its own after notice to the plaintiff – must
26 dismiss the action without prejudice against that defendant or order that service be made
27 within a specified time." See Fed. R. Civ. P. 4(m).

28 Here, more than ninety days have passed since plaintiff filed her initial complaint


1 and her amended complaint, and a review of the docket indicates plaintiff has not
2 obtained a summons from the Clerk, let alone caused a summons to be served on any of
3 the remaining defendants.¹

4 Accordingly, plaintiff is hereby DIRECTED to show cause, in writing and no later
5 than June 11, 2021, why her claims against the remaining defendants should not be
6 dismissed for failure to serve within the time required by the Federal Rules of Civil
7 Procedure.

8 In light of the above, the Case Management Conference is hereby CONTINUED
9 from June 18, 2021, to August 27, 2021, at 10:30 a.m. A Joint Case Management shall
10 be filed no later than August 20, 2021.

11 **IT IS SO ORDERED.**

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13 Dated: May 17, 2021


MAXINE M. CHESNEY
United States District Judge

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27 ¹ By order filed concurrently herewith, the Court has dismissed plaintiff's claims
28 against Mary P. Carey, a defendant who, although not served with a summons,
voluntarily appeared and responded to the claims asserted against her.